John Kirk Thornton
4128 Utica Avenue South
Saint Louis Park, Minnesota [55416]

"District Court of the United States"
District of Minnesota

UNITED STATES OF AMERICA
Petitioner
vs.
John Kirk Thornton,
In propria persona

Case No. 0:13-mc-00087-SRN-TNL

Expedited Motion to Dismiss—No Plaintiff (Petitioner)

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nor was there any "Counsel for the United States of America" on the record in the Proceedings.

As **evidenced by Attachment B—Official Transcript of the Proceedings in March 21st, 2018 ("Attach B—Transcript").** In the **Proceeding** with Magistrate Judge Tony N. Leung in ***"this Court"*** are the statements make on the record by the following excerpt, to wit:

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> **THE COURT**: District Court for the District of Minnesota, and the case before the bench for initial appearance is captioned as follows: **United States of America** v. John K. Thornton, Case No. 13-MC-87. And we are here on an arrest warrant. And at this time, **government**, please identify yourself for the record.
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> **MR. SAMIE**: Good afternoon, Your Honor. Assistant U.S. Attorney Bahram **Samie appearing on behalf of the United States.**
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> **THE COURT**: Good afternoon, **Counsel.** Thank you for being here. And Mr. Thornton, good afternoon.
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> **MR. THORNTON**: John Thornton.
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> **THE COURT**: Well, good afternoon. And I also want to identify for the record that, given that Mr. Thornton was brought into custody under arrest warrant, that I wanted to note that the **Chief Federal Defender of the District of Minnesota** is present in the courtroom, Katherian Roe, and that she is available in the back if needed.
>
> So, **Mr. Samie**, you want to take the podium and address the Court on what the **government's position** is.

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> Your Honor, this is a civil matter that originates from the **government's petition** to enforce **two Internal Revenue Service summonses:** one of them to obtain information regarding the collection of a **past-due and owed tax liability** --
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> **THE COURT**: Yeah, Mr. Samie -- I apologize for interrupting -- I just wanted to make clear, there are a couple of folks in the courtroom that I don't recognize. Obviously, I recognize Chief Defender Roe.

Mr. Thornton, do you have a lawyer or anyone here with you that could help you on this? (Inaudible). Okay. All right. Go ahead, Mr. Samie.

MR. SAMIE: Your Honor, just to address the Court, present here with me in the gallery is **IRS Revenue Officer Rich Wallin**, as well as **IRS Counsel Christina Cook**, who are seated in the gallery.

THE COURT: Okay. Good afternoon. Thank you for being here.

MR. SAMIE: Your Honor, as I was saying, this matter involved two -- the petition to enforce two IRS summonses: one of them seeking information from Respondent, John Thornton, regarding the collection of past-due and owed tax liability; and the other summons related to the IRS's attempts to obtain information to determine **Mr. Thornton's**

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income-tax liability for the years 2004 through 2012 for which he did not file any sort of returns with the IRS.

This is lengthy history -- procedural history in this case, so I'll kind of cut to the end of this. The **Court, Judge Nelson,** issued an order enforcing the petition -- or granting the petition and enforcing the summonses which required Mr. Thornton to comply with those summonses and provide the information that had been requested by the IRS. Mr. Thornton did not do so, and the **government** sought to have him held in civil contempt of the District Court's order.

On March 27th of 2015, **nearly three years ago, Judge Nelson** issued a **memorandum opinion** and order finding that Mr. Thornton was, indeed, in **civil contempt.** That has been **adjudicated and determined by this Court that he is in civil contempt of that order**. It provided him an opportunity to purge that contempt within a one-month period of time, which he failed to do so.

And after a series of appeals that he made to the Eighth Circuit Court of Appeals in early 2016, roughly February of 2016, the **Court issued a warrant to have him** -- issued another order and an arrest warrant to have him brought before this Court without undue delay for further proceedings.

So at this point, really what the question before

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the Court is, is to fashion some sort of mechanism to **coerce** Mr. Thornton to purge himself of the civil contempt that he is currently adjudicated with.

> So it's at this point the **government**, I think, would benefit from hearing directly from Mr. Thornton as to what his position is with respect to his willingness and interest to comply with the summonses to provide the **IRS information** that it's seeking. And at that point, I think the government will be able to address the Court with a little bit more clarity as to what further steps we'd like to take.
> If the Court doesn't have any other questions, then, you know, we would -- we would leave it at that point.
>
> **THE COURT**: Thank you, Counsel.

As evidenced by

As conclusively evidenced by **Attach A—Docket Sheet** the **Petitioner** is conclusively identified as the "**UNITED STATES OF AMERICA.**"

As conclusively evidenced by **Attach B—Transcript, Mr. Bahram Samie ("Samie")** identified himself to ***this Court's*** question, *infra*, "**government,** please identify yourself for the record" to which **Samie** responded on the record, *infra*, "**appearing** on the **behalf** of the **United States**." Therein *flows a fortiori* that the "**government**" is in fact the "**United States**" on the "record" and not the "United States of America" as there has not been nor was there in this **Proceeding** an appearance of the "**Counsel of the United States of America**" for the Petitioner, the **UNITED STATES OF AMERICA."**

How does ***this Court*** have a **Proceeding** with **no appearance** of the **"Counsel for the United States of America" on the Record? Did Samie have "standing" for the "Counsel of the United States of America?** Remembering two Maxims: **Impotentia excusat legem; and, *Lex non cogit ad impossibilia.***

The term/word "government" was used twenty (20) times by ***this Court*** **and Samie, remembering that there was no appearance of the "Counsel for the United States of America."**

And further, as evidenced by a true and correct copy from Pacer—**Attachment C—Docket 1—Petition To Enforce Internal Revenue Service Summons ("Attach C—Petition")**, which the Court shall take judicial Notice thereof and especially judicial Notice of **Attach C—Petition, pg. 1,** "The **United States of America**, on **behalf of its agency**, the **Internal Revenue Service** ("IRS")." So is it conclusive that the "Internal Revenue Service" is an "agency" of the "UNITED STATES OF AMERICA" a "sovereign body politic.

Thornton filed a Writ of Mandamus from this instant Case that morphed into a mere Appeal in the 8th Circuit Court of Appeals, Case Number 15-1774, wherein a "D. Gerald Wilhelm" ("Wilhelm") made an appearance as "**Counsel for the United States of America**" evidenced by a true and correct copy from Pacer being **Attachment D—Appearance of Counsel of the United States of America ("Attach D—Appearance of USA,"** which the Court shall take judicial Notice thereof.

So, how this ***this Court*** have a **Proceeding** with no appearance of the "**counsel for the United States of America?**

II. Who or What is the "UNITED STATES OF AMERICA?"

As found in Westlaw in 108 "United States District Court(s)" (there are more) the "**United State of America" is a sovereign body politic** as evidenced by **Attachment E—108 Cases with "United States of America" as (or is) a "sovereign body politic" ("Attach E—USA Sovereign Body Politic")**, which the Court shall take judicial Notice thereof.

A. UNITED STATES OF AMERICA is a Sovereign Body Politic.

Arising under Article III Section 1 and 2 of the Constitution of the United States in the limited jurisdiction of the "District Courts of the United States" in the several States there is no **"UNITED STATES OF AMERICA" is a [the] sovereign Body Politic.**

Therein **the Court**, and also ***this* Court,** which is deemed to know the law, has a sworn duty to identify this "United States of America" that is a sovereign Body Politic. Is this the "President of the United States?" Is it Russia? Is it the "Congress of the United States?" Is it the "Representatives of the United States in Congress?" Is it the "Senators of the United States in Congress?" Is it **Samie?**

The "**United States**" was from 1787 until 1913 the Real Party of Interest (the bona fide **Government** of the several States with standing in the District Courts of the United States) where the Senators were elected by the Legislatures of the several States; but, after the Seventeenth Amendment was passed that authorized "citizens of the United States" to "vote" that have no domicile, that no right of suffrage that is secured only in the citizens of several States, that have no right elective franchise that is secured only in the citizens of the several States therein the **"UNITED STATES OF AMERICA" emerged and this new "UNITED STATES OF AMERICA" CON is cited in Westlaw as "UNITED STATES of America."** The "**United States**" today has standing only in the bona fide Article I **United States Claims Court** and the bona fide Article III Sections 1 and 2 **United States Court of Appeals for the Federal Circuit** established in 1982 in 96 Stat.

25 that uses only "subject matter" jurisdiction[2] instead of the "geographical jurisdiction" for "federal Areas"[3] such as the 8th Circuit Court of Appeals that is not a bona fide appellate Court arising under Article III Sections 1 and 2.

a. Judges, Magistrates, Prosecutors and Elected Officials Are Deemed to Know the Law.

All of the Parties in the Court are deemed to know the Law including the Court, the IRS employees and its officers and the Department of Justice Counsellors (or Attorneys) such as **Samie and his cohorts.**

In Groh v. Ramirez, 540 U.S. 551, 563, 564 (2004) "If the law was clearly established . . . a reasonably competent public official should know the law governing his conduct." Citing *Harlow v. Fitzgerald*, 457 U.S. 800, 818-819 (1982); *State of Ohio v. Davis*, 584 N.E.2d 1192, 1196 (Sup.Ct. Ohio 1992) "**Judges**, unlike juries, **are presumed to know the law**."; *Leary v. Gledhill*, 84 A.2d 725, 728 (Sup.Ct. NJ 1951) "A court will in general take judicial notice of and apply the law of its own jurisdiction without pleading or proof thereof, the judges being deemed to know the law or at least where it is to be found."

In *Cannon v. University of* Chicago, 441 U.S. 677, 696-697 (1979)s "**It is always appropriate to assume that our elected representatives, like other citizens, know the law.**" In *Traynor v. Trunage*, 485 U.S. 535, 546 (1988) "It is always appropriate to assume that our elected representatives, like other citizens, know the law." *Cannon v.*

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[2] Senate Report No. 96-304, August 3rd, 1979 (especially page 8 [832] *infra.*

[3] 54 Stat. 1059-1061(1940) known as the "Buck Act" enacted into Positive Law in 1947 in 61 Stat-646, codified in 4 U.S.C. § 104-110,

University of Chicago, 441 U.S. 677, 696–697 (1979)." *Bowsher v. Synar*, 478 U.S. 714, 738 **FN1** (1986) "Just as it is "always appropriate to assume that our elected representatives, like other citizens, know the law," *Cannon v. University of Chicago*, 441 U.S. 677, 696–697, (1979), so too is it appropriate to assume that our elected representatives, like other citizens, will respect the law." *Offshore Logistica, Inc. Tailentire*, 477 U.S. 207, 228 (1986) "*Cannon v. University of Chicago*, 441 U.S. 677, 696–697, 99 S.Ct. 1946, 1957–1958, 60 L.Ed.2d 560 (1979) ("It is always appropriate to assume that our elected representatives, like other citizens, know the law"). In *Lowe v. S.E.C.*, 472 U.S. 181, 205 **FN50** (1985), to wit:

> "It is always appropriate to assume that our elected representatives, like other citizens, know the law." *Cannon v. University of Chicago*, 441 U.S. 677, 696-697, 99 S.Ct. 1946, 1957-58, 60 L.Ed.2d 560 (1979). Moreover, "[i]n areas where legislation might intrude on constitutional guarantees, we believe that Congress, which has always sworn to protect the Constitution, would err on the side of fundamental constitutional liberties when its legislation implicates those liberties." *Regan v. Time, Inc.*, 468 U.S. 641, 697, 104 S.Ct. 3262, 3292, 82 L.Ed.2d 487 (1984) (STEVENS, J., concurring in part and dissenting in part).

In *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 836 "Because it "is always appropriate to assume that our elected representatives, like other citizens, know the law **FN10** *Cannon v. University of Chicago,* 441 U.S. 677, 696–697, 99 S.Ct. 1946, 1957–1958, 60 L.Ed.2d 560 (1979). In *Director, Office of Workers' Compensation Programs, U.S. Dept. of Labor v. Perini North River Assoc.*, 459 U.S. 297, 319 (1983) "We may We may presume "that our elected representatives, like other citizens, know the law," *Cannon v. University of Chicago*, 441 U.S. 677, 696–697, 99 S.Ct. 1946, 1957–1958, 60 L.Ed.2d 560 (1979)." In *Albernaz v. United States*, 450 U.S. 333, 341 (1981), to wit:

> But, as we have previously noted, Congress is "**predominantly a lawyer's body**," *Callanan v. United States,* 364 U.S. 587, 594, 81 S.Ct. 321, 325, 5 L.Ed.2d 312 (1961), and it is appropriate for us "**to assume that our elected representatives ... know the law.**" *Cannon v. University of Chicago*, 441 U.S. 677, 696–697, 99 S.Ct. 1946, 1957–1958, 60 L.Ed.2d 560 (1979). As a result, if anything is to be assumed from the congressional *342 silence on this point, it is that Congress was aware of the Blockburger rule and legislated with it in mind. **It is not a function of this Court to presume that "Congress was unaware of what it accomplished...."** *Railroad Retirement Bd. v. Fritz*, 449 U.S. 166, 179, 101 S.Ct. 453, 461, 66 L.Ed.2d 368 (1980).

In *Railroad Retirement Bd. v. Fritz*, 449 U.S. 166, 179 (1980) "Finally, we disagree with the District Court's conclusion that Congress was unaware of what it accomplished."

In *Watt v. Alaska*, 451 U.S. 259, 284-285 (1981), to wit:

> The Court today is bothered because the literal meaning of a statute altered prevailing law.**FN8** But usually the very point of new legislation is to alter prevailing law. "**Every act is made, either for the purpose of making a change in the law, or for the purpose of better declaring the law; and its operation is not to be impeded by the mere fact that it is inconsistent with some previous enactment.**" T. Sedgwick, The Interpretation and Construction of Statutory and Constitutional Law 104 (2d ed. 1874). **Congress does not have the affirmative obligation to explain to this Court why it deems a particular enactment wise or necessary, or to demonstrate that it is aware of the consequences of its action. FN9** See *Harrison v. PPG Industries, Inc.*, 446 U.S. 578, 592, 100 S.Ct. 1889, 1897, 64 L.Ed.2d 525. And "[i]t *285 **is not a function of this Court to presume that 'Congress was unaware of what it accomplished.'** " Albernaz v. United States, 450 U.S. 333, 342, 101 S.Ct. 1137, 1144, 67 L.Ed.2d 275 (quoting U.S. Railroad Retirement Board v. Fritz, 449 U.S. 166, 179, 101 S.Ct. 453, 461, 66 L.Ed.2d 368.
>
> In *Garett v. United States*, 471 U.S. 773, 793-794 (1985), to wit:
>
> "[The defendants] read much into nothing. Congress cannot be expected to specifically address each issue of statutory construction which may arise. But, as we have previously noted, Congress is '**predominantly a lawyer's body,**' ... and it is appropriate for us '**to assume that our elected representatives ... know the law.**' ... As a result if anything is to be assumed from the congressional silence on this point, it is that Congress was aware of the Blockburger rule and legislated with it in mind. It is not a

function of this Court to presume that *794 'Congress was unaware of what it accomplished.' " Id., 450 U.S., at 341-342, 101 S.Ct., at 1143-44.

b. Where is the "Counsel for the United States of America"

In this **Proceedings** on March 21st, 2018 there was no appearance a "**Counsel for the United States of America**" but on the Record Samie responded that he [Samie] was "**appearing on behalf of the United States.**" So where is the "**Counsel for the United States of America**" in this **Proceedings** wherein *flows a fortiori* "**appearing on behalf of the United States**" precludes appearing as "Counsel for the United States of America."

Is "United States" exactly the same as the "United States of America?" Of Course NOT! The "United States" is the "Union of the States" comprised of the "several States." See *United States v. Klien*, 80 U.S. 128, 140 (1871) " By this oath the person seeking to avail himself of the offered pardon was required to promise that he would thenceforth support the Constitution of the **United States** and the **union of** the **States** thereunder;" *Ex parte Garland*, 71 U.S. 333, 337 (1866) " By this oath the person seeking to avail himself of the offered pardon was required to promise that he would thenceforth support the Constitution of the **United States** and the **union of** the **States** thereunder." *In re Mrs. Alexander's Cotton*, 68 U.S. 404, 407 (1864) " But it was upon the condition that persons should thenceforward 'keep their oath inviolate. **FN1** The oath now made by Mrs. Alexander, April 19, 1864, was, that she would 'henceforth faithfully support, protect, and defend the Constitution of the **United States**, and the **Union of** the **States** thereunder.'"

B. STATE OF MINNESOTA with the MINNESOTA DEPARTMENT OF REVENUE AND the UNITED STATES OF AMERICA—SAME "INCOME TAXES"

The "**STATE OF MINNESOTA**" ("**SOM**") with the **Minnesota Department of**

Revenue (including in "SOM"") and the "**UNITED STATES OF AMERICA**" ("USA") have been involved **together** in many criminal, civil and "books and records" Cases on Federal Income Taxes conflated, *i.e.*, inextricably intertwined with Minnesota Income Taxes in the United States District Court ("USDC") in the District of Minnesota conclusively and irrevocably evidenced by this sample of just seventy (70) Cases as follows: September 07, 2016 No. 13-57-005 (JRT). 2016 WL 5345598; August 03, 2016 No. 13-CR-57 (JRT/JSM). 2016 WL 4446506; June 30, 2016 No. 15-19(1) (DSD/BRT). 2016 WL 4190330; April 06, 2016 No. 13-CR-57 (JRT/JSM). 2016 WL 1407625; March 30, 2016 No. 13-cr-0057 (JRT/JSM). 2016 WL 1407626; February 22, 2016 No. 13-CR-57 (JRT/JSM). 2016 WL 741559; February 22, 2016 No. 13-CR-57 (JRT/JSM). 2016 WL 741560; February 22, 2016 No. 13-CR-57 (JRT/JSM). 2016 WL 741528; August 28, 2015 No. 13-57 (3) (4) (JRT/JSM). 2015 WL 5190697; July 31, 2015 No. 13-CR-57 (JRT/JSM). 2015 WL 5190706; April 22, 2014 No. 13-57 (JRT/JSM). 2014 WL 10337708; November 19, 2013 No. 13-57 (JRT/JSM). 2013 WL 10951501; December 02, 2010 No. 08CR00063. 2010 WL 5639876; September 24, 2010 No. 0:08-cr-00063-JRT-JSM. 2010 WL 9925882; July 06, 2010 No. 09-2224 (ADM/SRN). 2010 WL 4853624; February 16, 2010 No. 09-2224 (ADM/SRN). 2010 WL 2061738; February 01, 2010 No. 08-63 (JRT/JSM). 2010 WL 1724042; January 07, 2010 No. 08-63 (JRT/JSM). 2010 WL 1724040; January 07, 2010 No. 08-63 (JRT/JSM). 2010 WL 1724041; January 04, 2010 No. 08-63 (JRT/JSM). 2010 WL 182583; January 04, 2010 No. 08-63 (JRT/JSM). 2010 WL 182584; November 24, 2009 No. 008CR00270. 2009 WL 6614846; October 20, 2009 No. 08-270(2) (PJS/JJK). 2009 WL 6411379; September 14, 2009 No. 07-CV-04799-

JRT-FLN. 2009 WL 5187792; August 25, 2009 No. 009CV02224. 2009 WL 5188324; August 05, 2009 No. 07-4575. 2009 WL 5187788; July 02, 2009 No. 09CR00098. 2009 WL 3313118; June 26, 2009 No. 007CV04799. 2009 WL 2956617; May 29, 2009 No. 007CV04799. 2009 WL 2956616; May 21, 2009 No. 007CV04799. 2009 WL 2956615; April 27, 2009 No. 08-248 (JMR/JJK). 2009 WL 6557090; April 15, 2009 No. CR 09-98 PJS/RLE. 2009 WL 3313115; March 18, 2009 No. 07-CV-04799-JRT-FLN. 2009 WL 2237298; March 18, 2009 No. 07-CV-4799 JRT/FLN. 2009 WL 2237299; January 29, 2009 No. 08-248 (JMR/JJK). 2009 WL 6557088; August 28, 2008 No. 08CV01256. 2008 WL 8443265; August 25, 2008 No. 08CV00817. 2008 WL 8443264; August 20, 2008 No. CR-08-270 PJS/JJK. 2008 WL 6914715; August 05, 2008 No. CR08-248 JMR/JJK. 2008 WL 7874500; June 11, 2008 No. 008CV00817. 2008 WL 4728419; May 08, 2008 No. 008CV01279. 2008 WL 472843; May 05, 2008 No. 007CV04799. 2008 WL 4728082; April 30, 2008 No. 007CV04575. 2008 WL 4728075; April 29, 2008 No. 007CV04799. 2008 WL 4728081; April 01, 2008 No. 007CV04790. 2008 WL 2777912; February 26, 2008 No. CR-08-63-VRT/JSM. 2008 WL 7413967; February 14, 2008 No. 07-4083. 2008 WL 809460; December 11, 2007 No. 07CV04799. 2007 WL 4819187; September 25, 2007 No. 07CV04083. 2007 WL 4675423; September 21, 2007 No. 06-1112 (ADM/RLE). 2007 WL 4586733; September 21, 2007 No. 06-1112 (ADM/RLE). 2007 WL 4586732; June 11, 2007 No. 07CV02747. 2007 WL 4637673; February 22, 2007 No. 07CR00076. 2007 WL 4750399; February 16, 2007 No. 0:07-cv-01196-JRT-RLE. 2007 WL 1685565; February 13, 2007 No. CR07-50 ADM/SRN. 2007 WL 4865343; February 09, 2007 No. 06-CV-2505 (JMR/FLN). 2007 WL 1569337; July 10, 2006 No. CR 06-204

RHK/SRN. 2006 WL 6344592; February 09, 2006 No. 05-84MJD/JGL. 2006 WL 5208771; February 09, 2006 No. 05-84MJD/JGL. 2006 WL 5168034; November 17, 2005 No. 05-00084 MJD/SRN. 2005 WL 5982835; September 14, 2005 No. 05-84MJD/JGL. 2005 WL 5997015; August 09, 2005 No. 05-84MJD/JGL. 2005 WL 5982834; July 26, 2005 No. 05-84MJD/JGL. 2005 WL 5982833; March 21, 2005 No. 05-84 MJD/JGL. 2005 WL 5997013; March 11, 2005 No. 05-84MJD/JGL. 2005 WL 5997011; January 13, 2005 No. 05-84MJD/JGL. 2005 WL 5997010; 2005 Civil No. 05-84MJD/JGL. 2005 WL 450482; November 30, 2004 No. 04-239(1)(ADM/AJB). 2004 WL 5533531; and June 01, 2004 Civil No. 04-2759 ADM/AJB. 2004 WL 3009584.

C. Sovereignty Is In the People Of These United States, *i.e.* in the citizens of the several States, *i.e.* the people in our Republic.

The SOM only "allows" "citizens of the United States" to do the physical act of to "vote" remembering that Minnesota, being one of the several States now PROHIBITS its own citizens, being "citizens of Minnesota," from exercising their political and civil rights in a Republican Form of Government guaranteed in the Constitution of the United States Article IV Section 4; and, that the SOM PROHIBITS its own citizens, being the "citizens of Minnesota" from exercising their unalienable Rights under the Creator of the Declaration of Independence; and, SOM PROHIBITS it own citizens to exercise their rights of suffrage and their rights of the elective franchise to vote for qualified electors, being "citizens of Minnesota" in Minnesota, being one of the several States.

In *Perry v. United States*, 294 U.S. 330, 353 (1935), to wit:

> **In the United States, sovereignty resides in the people who act through the organs established by the Constitution.** *Chisholm v. Georgia,*2 U.S.

419 (1793); *Penhallow v. Doane's Administrators*, 3 U.S. 54 (1795); *McCulloch v. Maryland*, 4 Wheat. 316, 404, 405, 17 U.S. 316, 404, 405 (1819); *Yick Wo v. Hopkins*, 118 U.S. 356, 370, 6 S.Ct. 1064, 30 L.Ed. 220 (1886). **The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains. The Congress cannot invoke the sovereign power of the people to override their will as thus declared.**

In *Chisholm v. State of Georgia*, 2 U.S. 419, 458 (1793), to wit:

The principle is, that all **human law must be prescribed by** a superior. This principle I mean not now to examine. Suffice it, at present to say, that another principle, very different in its nature and operations, forms, in my judgment, the basis of sound and genuine jurisprudence; **laws derived from the pure source of equality and justice must be founded on the CONSENT of those, whose obedience they require. The sovereign, when traced to his source, must be found in the man.**

In *Penhallow, et al. v. Doane's Administrators*, 3 U.S. 54, 67 (1793), to wit:

Now, the **State retained all the powers which she did not expressly surrender to the Union; a State cannot cease to be sovereign without its own** act; nor can sovereignty be asserted but upon a clear title . . . . **Whatever power Congress possessed must have been derived from the People.**

* * *

By a State forming a Republic (speaking of it as a moral person) I do not mean the Legislature of the State, the Executive of the State, or the Judiciary, **but all the citizens which compose that State,** and are, if I may so express myself, integral parts of it; **all together forming a body politic**. The great distinction between Monarchies and Republics (at least our Republics) in general is, that in the former the monarch is considered as the sovereign, and each individual of his nation as subject to him, though in some countries with many important special limitations: This, I say, is generally the case, for it has not been so universally. But in a **Republic, all the citizens, as such, are equal, and no citizen can rightfully exercise any authority over another, but in virtue of a power constitutionally given by the whole community, and such authority when exercised, is in effect an act of the whole community which forms such body politic. In such governments, therefore, the sovereignty resides in the great body of the people**, but it resides in them not as so many distinct individuals, but **in their politic capacity only.** Thus A. B. C. and D. citizens of Pennsylvania,

> and as such, together with all the citizens of Pennsylvania, share in the sovereignty of the State. Suppose a State to consist exactly of the number of 100,000 citizens, and it were practicable for all of them to assemble at one time and in one place, and that 99,999 did actually assemble: The State would not be in fact assembled. Why? **Because the state in fact is composed of all the citizens, not of a part only, however large that part may be, and <u>one is wanting</u>.**
>
> * * *
>
> I conclude, therefore, that every particle of authority which originally resided either in Congress, or in any branch of the state governments, was derived from the people who were permanent inhabitants of each province in the first instance, and **afterwards became citizens of each state.**

The SOM is worst than a *de facto Government* as is as a "**state of the United States**" acting in a capacity as a municipality of the United States, instead of the one of the several States in the Union of the States.

And further, the Department of Justice filed a Case Against the "THE STATE OF CALIFORNIA" in the "*THE UNITED STATES OF AMERICA v. THE STATE OF CALIFORNIA, et al.*, 2-18-at-00264 [No. 18-264] (USDC, Eastern District of California 2018), wherein the in Docket 1–Complaint pg. 4 "Defendant State of California is a state of the United States." The Department of Justice "DoJ") (If the DoJ doesn't know how to correctly identify the CON States, who does?) The Complaint is taken at true wherein *flows a fortiori* that the "**<u>STATE OF MINNESOTA</u>**" ("SOM") is a "**<u>state of the United States;</u>**" and, is not identified as the Government of one of the several States

"State of the United States" is defined with means in California Code in West's Ann.Cal.Fin.Code § 207 "**State of the United States**" defined " **"State of the United States" means** any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific

Islands, the Virgin Islands, and the Northern Mariana Islands," conclusively precluding the State of California as the government of California, one of the several States *flows a fortiori* that precludes in this instant Case the State of Minnesota as the government of Minnesota, one of several States with its own "citizens of Minnesota" exercising their right of suffrage and their right of elective franchise for the Republican Form of Government Guarantee in the Constitution of the United States Article IV Section 4 "The United States guarantee to ever State a Republican Form of Government" which this Court shall take Judicial notice thereof.

The SOM is by coercion and force of arms usurping the Power of Congress to legislate for "citizens of the United States," wherein the "citizens of the United States" status legislation is to remain dormant unless the State Laws or State Actors violate the "prohibitive" amendments such as the Thirteenth, Fourteenth or Fifteenth Amendments.

This is evidenced in the **1938 Cong. Rec, Pages 4-14 [431-442] "Senate. Views of the minority, No. 1956. 49th Cong., 2d sess.] In the Senate of the United States. February 25, 1887. Ordered to be printed."** with an excerpt from **Page 10 [438] ("Minority No. 1956")** to wit;

> The language of the **fourteenth amendment** is:
>
> **"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property Without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."**
>
> And the **fifteenth amendment** ordains as follows:
>
> "The right of the **citizens of the United** States to vote shall not be denied or

abridged by the United States, or by any State on account of race, color, or previous condition of servitude."

It is now firmly settled that these provisions are directed solely against State laws and State action, through persons or agents clothed with State authority. It is also settled that the power conferred on Congress to enforce these provisions is a power only to enforce the prohibition against State action. That the rights conferred on persons under them are not positive, original rights, but the right only to exemption from, and protection against, the prohibited State action. And the power of Congress to interfere in any case is purely a power of correction, a power to give redress against a prohibited State action, that the exercise, the actual exercise of efficient power by Congress, under the amendments, presupposes State action of the kind prohibited; and until there be such prohibited State action, the power of Congress is wholly dormant, and without such action really being taken, somewhere or at some time, the power of Congress would sleep forever.

In no case under these amendments, so far as the present controversy is concerned, **can the power of Congress be made to reach, either for punishment or correction, or redress in any way, civil or criminal, the acts of private individuals. On this last point, the controversy was long between a sectional majority in Congress and the Constitution, but in the end the Constitution triumphed fully, completely.**

This was well settled as evidenced in **"Minority No. 1956"** by the holdings of the Supreme Court of the United States citing:

(1) [Pg. 10] *United States v. Cruikshank et al,* 92 U.S. 542, 554-555 (1875); and, **(2) [Pg. 10]** *Minor v. Happersett*, 88 U.S. 162 (1874); and,

(3) [Pg. 10] *United States v. Reese et al.*, 92 U.S. 214 (1875); and,

(4) [Pg. 10] *Strauder v. West Virginia*, 100 U.S. 303 (1879) [*abrogated by Taylor v. Louisiana,* 419 U.S. 522 (1975)) *on other issues*]; and,

(5) [Pg. 10]*Virginia v. Rives,* 100 U.S. 13 (1879); and,

(6) [Pg. 10] *Neal v. Delaware*, 103 U.S. 370 (1880); and,

(7) [Pg. 10] *United States v. Harris*, 106 U.S. 629 (1883).

The SOM Courts in reality lacks both Subject Matter Jurisdiction of the issues of "income tax" hidden in the Social Security Act of 1935 49 Stat. 620-648 and Buck Act in 54 Stat. 1059-1061 of 1940.

The SOM has usurped the Power of Congress, to only legislate for "citizens of the United States."

The SOM has knowingly and intentionally surrendered its sovereignty as one of the several States to accept benefits, which it is NOT empowered to do enslaving all of the citizens of Minnesota to the whim and will of Congress using its Plenary Powers; and further, the SOM is enslaving all of the People of Minnesota forcing and CONNING them into implied-in-law Contracts as merely "citizens of the United States" that have no constitution, have no unalienable rights under the Creator, have no domicile, have no rights of suffrage and elective franchise for a Republican form of government and have no "law of the land."

Thornton is cautioning the ***this Court*, and Samie and the "UNITED STATES OF AMERICA"** and it actors that to claim that a person such as Thornton without conclusive that Thornton is a "citizen of the United States" is a felony under 18 U.S.C. § 911 if that person or entity has no real evidence.

This Court shall also take judicial Notice that Thornton is a "**national of the United States**" as defined with **means** in 8 U.S.C. § 1101(22)(B) **"a person who, though not a citizen of the United States, owes permanent allegiance to the United States."**

C. Benefits.

The Courts of the United States have held over and over again if you accept any benefits you may not denied any remedy; or, the remedy may be wrong, *i.e.*, shut up and be a slave.

This is evidenced in holding in *United States v. Babcock*, 250 U.S. 328, 331 (1919) "the United States, when it creates rights in individuals against itself, is under no obligation to provide a remedy through the courts (cites omitted)." And, as evidenced in *Allen v. Graham*, 446 P.2d 240 (Ct.App.Ariz. 1960), to wit:

> Welfare benefits are grants by the legislature which has delegated to the Department of Public Welfare the power to determine the recipients of such grants. Under such circumstances, i.e., when the **state creates rights in individuals against itself, it is not bound to provide a remedy in the courts and may withhold all remedy or it may provide an administrative remedy and make it exclusive, however mistaken its exercise**. *Dismuke v. United States,* 297 U.S. 167, 56 S.Ct. 400, 80 L.Ed. 561 (1936); *United States v. Babcock*, 250 U.S. 328, 39 S.Ct. 464, 63 L.Ed. 1011 (1919); *Blanc v. United States*, 140 F.Supp. 481 (E.D.N.Y.1956).

III. Conclusion

As there was no "Coun**sel for the United States of America**" (Plaintiff) in the Court, therein *flows a fortiori* that the **Proceedings were CON and Ruse,** wherein as a matter of law, the Court and/or ***this Court*** is required to Dismiss with prejudice this Instant Case.

And further, Samie and the Court is required to disclose who or what is the "United States of America" being a "sovereign body politic" as this is denial of Due Process of Law if this unknown entity does not identify itself to have standing in the Court.

And further the **(1) the STATE OF MINNESOTA; And, (2) the MINNESOTA DEPARTMENT OF REVENUE; And, (3) the "UNITED STATES OF AMERICA;" and, "UNITIED STATES OF AMERICA, on behalf of its agency, the Internal Revenue Service;"** are a ***sine qua non*** **"UNITED STATE OF AMERICA" is a sovereign body politic, wherein this "sovereign body politic" has not been identified to date remembering that the "sovereignty" if posited in the "People of these United States" also known as the citizens of the several States.**

And further, until this "sovereign body politic" is identified, ***this Court*** **is required to Dismiss this instant Case with prejudice.**

My Hand, By:

IV. Certificate of Service.

I certify that this Motion to Dismiss is comprised of 6,101 words in 13 Font in Times New Roman.

I further certify that this Motion and Attachments were delivered personally or mailed First Class prepaid to the following parties, to wit:

Bahram Samie
U.S. Courthouse
300 S 4th Street Suite 600
Minneapolis, Minneapolis 55415

Date: April 4th, 2015

BY: _____
Signature